



PUBLIC NOTICE

Federal Communications Commission
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DA 16-1265

Released: November 8, 2016

NOTICE OF NON-STREAMLINED DOMESTIC SECTION 214 APPLICATION GRANTED

WC Docket No. 16-268

Pursuant to section 214 of the Communications Act of 1934, as amended, 47 U.S.C. § 214, and sections 0.91, 0.291, and 63.03 of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, and 63.03, the Wireline Competition Bureau (Bureau) approves the application of TerraCom, Inc. (TerraCom) and Global Reconnect, Inc. (GRI) (together, Applicants) requesting approval to transfer control of TerraCom to GRI.¹ TerraCom primarily provides Lifeline supported telecommunications service and is a certificated local exchange carrier and designated as an eligible telecommunications carrier (ETC) to provide wireline service in Oklahoma and Texas, although it only currently provides wireline service in Oklahoma.² TerraCom also provides wireless service and is designated as an ETC in Arkansas, Arizona, Colorado, Indiana, Iowa, Louisiana, Maryland, Minnesota, Nebraska, Nevada, Oklahoma, Texas, Wisconsin, and West Virginia.³

The Bureau finds, upon consideration of the record, that the proposed transfer will serve the public interest, convenience, and necessity and, therefore, grants the requested authorization.⁴ Pursuant to

¹ See 47 CFR § 63.03; 47 U.S.C. § 214; *Application of TerraCom, Inc. and Global Reconnect, Inc. for Consent to Transfer Control of a Company Holding Blanket Domestic Section 214 Authority*, WC Docket No. 16-268 (filed Aug. 22, 2016). Applicants filed a revised application adding additional information on August 23, 2016. *Revised Application of TerraCom, Inc. and Global Reconnect, Inc. for Consent to Transfer Control of a Company Holding Blanket Domestic Section 214 Authority*, WC Docket No. 16-268 (filed Aug. 23, 2016) (Revised Application); *Domestic Section 214 Application Filed for the Transfer of Control of TerraCom, Inc. and Global Reconnect, Inc.*, WC Docket No. 16-268, Public Notice, DA 16-967 (WCB Aug. 24, 2016).

² Revised Application at 2-3, 9-10.

³ *Id.* at n.2. TerraCom owns 100 percent of YourTel America, Inc., which primarily provides Lifeline supported wireless services in Illinois, Kansas, Maine, Missouri, Pennsylvania, Rhode Island, and Washington and does not currently provide wireline services. *Id.* at n.2 and 9-10. In a separate action, the Bureau approved the amended Lifeline compliance plan of TerraCom as a condition of it continuing to provide Lifeline service under new ownership. *Wireline Competition Bureau Approves the Amended Compliance Plan of TerraCom*, WC Docket No. 11-42, DA 16-1264 (WCB Nov. 8, 2016).

⁴ *Implementation of Further Streamlining Measures for Domestic Section 214 Authorizations*, Report and Order, 17 FCC Rcd 5517, 5529, para. 22 (2002). Applicants state that they “acknowledge and agree that the provisions of any consent decree or other prior enforcement action between the FCC and TerraCom remains binding on TerraCom and GRI as transferee and that grant of the Section 214 application will not alter their responsibility to comply with any such consent decree or other prior FCC enforcement action for so long as GRI retains its ownership interest in TerraCom and complies with applicable FCC rules to effect and change an ownership or discontinuance of service.” Revised Application at 5-6. We reject the ex parte comment by “Terracom is Terrible.com” and “Concerned Citizens for Lifeline” raising non-transaction related breach of contract and other disputes with TerraCom and its existing owners. E-mail from Christina Blanchard, Terracom is Terrible.com, to Tracey Wilson, Competition Policy Division, WCB, FCC, et al. (Oct. 3, 2016, 9:50 AM); E-mail from Danielle Frappier, Counsel to TerraCom, to Tracey Wilson, Competition Policy Division, WCB, FCC, et al. (Oct. 3, 2016, 5:04 PM) (stating that the claims are (continued....))

section 1.103 of the Commission's rules, 47 CFR § 1.103, the consent granted herein is effective upon the release of the Public Notice. For purposes of computation of time when filing a petition for reconsideration or application for review, or for judicial review of the Commission's decision, the date of "public notice" shall be the release date of this notice.⁵ Should no petitions for reconsideration, applications for review, or petitions for judicial review be timely filed, the proceeding listed in this Public Notice shall be terminated, and the docket will be closed.

For further information, please contact Tracey Wilson at (202) 418-1394 or Dennis Johnson at (202) 418-0809, Competition Policy Division, Wireline Competition Bureau.

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meritless and associated with a lawsuit unrelated to the proposed transaction). It is well established that the Commission is not the proper forum for resolving private contractual disputes, and that it will also not deny or condition transactions based on non-merger specific issues. *See e.g., Verizon Communications, Inc. and America Móvil, S.A. de C.V., Application for Authority to Transfer Control of Telecomunicaciones de Puerto Rico*, WT Docket No. 07-43, Memorandum Opinion and Order and Declaratory Ruling, 22 FCC Rcd 6195, 6206-07, para. 25 (2007) (rejecting assertions that a transfer of control should be denied or conditioned based on non-merger-specific issues and finding that applicants were subject to existing requirements); *Verizon Communications Inc. and MCI, Inc. Applications for Approval of Transfer of Control*, Memorandum Opinion and Order, 20 FCC Rcd 18433, 18445, para. 19 (2005) (stating that the Commission will impose conditions "only to remedy harms that arise from the transaction (*i.e.*, transaction-specific harms) and "will not impose conditions to remedy pre-existing harms or harms that are unrelated to the transaction."); *Applications of Cellco P'ship d/b/a Verizon Wireless and Atlantis Holdings LLC for Consent to Transfer Control of Licenses, Authorizations, and Spectrum Manger and De Facto Transfer Leasing Arrangements*, Memorandum Opinion and Order, 23 FCC Rcd 17444, para. 214 (2008) (refusing to consider the question of whether the transaction would impact a private contractual dispute).

⁵ *See* 47 CFR § 1.4 (computation of time).